

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JULIE ANNE SEDLACEK, Respondent

Pharmacist License No. RPH 63612

Agency Case No. 7155

OAH No. 2021120435

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on August 24, 2022.

It is so ORDERED on July 25, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.
Board President

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10 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

14 **JULIE ANNE SEDLACEK**
15 **4004 NE Waterview Ter.**
Bentonville, AR 72712

16 **Pharmacist License No. RPH 63612**

17 Respondent.
18

Case No. 7155

OAH No. 2021120435

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board), Department of Consumer Affairs. She brought this action solely in her official capacity
25 and is represented in this matter by Rob Bonta, Attorney General of the State of California, by
26 Stephanie Alamo-Latif, Deputy Attorney General.

27 2. Julie Anne Sedlacek (Respondent) is represented in this proceeding by attorney Lucy
28 S. McAllister, Esq., whose address is: 255 N. Market Street, Suite 100, San Jose, CA 95110.

3. On or about January 29, 2010, the Board issued Pharmacist License No. RPH 63612 to Respondent Julie Anne Sedlacek. The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 7155, and will expire on February 28, 2023, unless renewed.

JURISDICTION

4. Accusation No. 7155 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 28, 2021. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7155 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7155. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 7155.

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10. Respondent agrees that her Pharmacist License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF), facsimile and/or electronic copies of this Stipulated Settlement and Disciplinary Order, including PDF, facsimile and/or electronic signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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1. **Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy- two (72) hours of such occurrence:

- Failure to timely report such occurrence shall be considered a violation of probation.

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

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STIPULATED SETTLEMENT (Case No. 7155)

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the board.

3 **3. Interview with the Board**

4 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
5 with the board or its designee, at such intervals and locations as are determined by the board or its
6 designee. Failure to appear for any scheduled interview without prior notification to board staff,
7 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
8 the period of probation, shall be considered a violation of probation.

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the board's
11 monitoring and investigation of respondent's compliance with the terms and conditions of her
12 probation, including but not limited to: timely responses to requests for information by board
13 staff; timely compliance with directives from board staff regarding requirements of any term or
14 condition of probation; and timely completion of documentation pertaining to a term or condition
15 of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

17 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
18 pharmacist as directed by the board or its designee.

19 **6. Reporting of Employment and Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective
21 employers of the decision in case number 7155 and the terms, conditions and restrictions imposed
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
24 undertaking any new employment, respondent shall report to the board in writing the name,
25 physical address, and mailing address of each of her employer(s), and the name(s) and telephone
26 number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated
27 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
28 schedule, if known. Respondent shall also include the reason(s) for leaving the prior

1 employment. Respondent shall sign and return to the board a written consent authorizing the
2 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
3 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
4 concerning respondent's work status, performance, and monitoring. Failure to comply with the
5 requirements or deadlines of this condition shall be considered a violation of probation.

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)
8 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
9 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
10 board in writing acknowledging that the listed individual(s) has/have read the decision in case
11 number 7155, and terms and conditions imposed thereby. If one person serves in more than one
12 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
13 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
14 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
15 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
16 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
17 in case number 7155, and the terms and conditions imposed thereby.

18 If respondent works for or is employed by or through an employment service, respondent
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
20 of the decision in case number 7155, and the terms and conditions imposed thereby in advance of
21 respondent commencing work at such licensed entity. A record of this notification must be
22 provided to the board upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of respondent undertaking any new employment by or through an employment service,
25 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
26 to report to the board in writing acknowledging that he or she has read the decision in case
27 number 7155, and the terms and conditions imposed thereby. It shall be respondent's
28 responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a Pharmacist, or any position
6 for which a Pharmacist license is a requirement or criterion for employment, whether the
7 respondent is an employee, independent contractor or volunteer.

8 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the board in writing within ten (10) days of any change in
10 name, residence address, mailing address, e-mail address or phone number.

11 Failure to timely notify the board of any change in employer, name, address, or phone
12 number shall be considered a violation of probation.

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

14 During the period of probation, respondent shall not supervise any intern pharmacist, be the
15 pharmacist-in-charge, designated representative-in-charge, responsible manager or other
16 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption
17 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, respondent shall pay to the
20 board its costs of investigation and prosecution in the amount of \$4,110.00. Respondent shall
21 make said payments as follows:

22 There shall be no deviation from this schedule absent prior written approval by the board or
23 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
24 probation.

25 Respondent shall be permitted to pay these costs in a payment plan approved by the board
26 or its designee, so long as full payment is completed no later than one (1) year prior to the end
27 date of probation.

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1 **10. Probation Monitoring Costs**

2 Respondent shall pay any costs associated with probation monitoring as determined by the
3 board each and every year of probation. Such costs shall be payable to the board on a schedule as
4 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
5 be considered a violation of probation.

6 **11. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current Pharmacist
8 License with the board, including any period during which suspension or probation is tolled.
9 Failure to maintain an active, current Pharmacist License shall be considered a violation of
10 probation.

11 If respondent's Pharmacist License expires or is cancelled by operation of law or otherwise
12 at any time during the period of probation, including any extensions thereof due to tolling or
13 otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and
14 conditions of this probation not previously satisfied.

15 **12. License Surrender While on Probation/Suspension**

16 Following the effective date of this decision, should respondent cease practice due to
17 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
18 respondent may relinquish her license, including any indicia of licensure issued by the board,
19 along with a request to surrender the license. The board or its designee shall have the discretion
20 whether to accept the surrender or take any other action it deems appropriate and reasonable.
21 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
22 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
23 become a part of the respondent's license history with the board.

24 Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall
25 license, including any indicia of licensure not previously provided to the board within ten (10)
26 days of notification by the board that the surrender is accepted if not already provided.
27 Respondent may not reapply for any license from the board for three (3) years from the effective
28 date of the surrender. Respondent shall meet all requirements applicable to the license sought as

1 of the date the application for that license is submitted to the board, including any outstanding
2 costs.

3 13. Practice Requirement – Extension of Probation

4 Except during periods of suspension, respondent shall, at all times while on probation, be
5 employed as a Pharmacist in California for a minimum of 100 hours per calendar month. Any
6 month during which this minimum is not met shall extend the period of probation by one month.
7 During any such period of insufficient employment, respondent must nonetheless comply with all
8 terms and conditions of probation, unless respondent receives a waiver in writing from the board
9 or its designee.

10 If respondent does not practice as a Pharmacist in California for the minimum number of
11 hours in any calendar month, for any reason (including vacation), respondent shall notify the
12 board in writing within ten (10) days of the conclusion of that calendar month. This notification
13 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
14 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume
15 practice at the required level. Respondent shall further notify the board in writing within ten (10)
16 days following the next calendar month during which respondent practices as a Pharmacist in
17 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
18 considered a violation of probation.

19 It is a violation of probation for respondent's probation to be extended pursuant to the
20 provisions of this condition for a total period, counting consecutive and non-consecutive months,
21 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
22 probation period on its website.

23 14. Violation of Probation

24 If respondent has not complied with any term or condition of probation, the board shall
25 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
26 that probation shall automatically be extended, until all terms and conditions have been satisfied
27 or the board has taken other action as deemed appropriate to treat the failure to comply as a
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1 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
2 board or its designee may post a notice of the extended probation period on its website.

3 If respondent violates probation in any respect, the board, after giving respondent notice
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
5 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
6 probation, or the preparation of an accusation or petition to revoke probation is requested from
7 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
8 probation shall be automatically extended until the petition to revoke probation or accusation is
9 heard and decided.

10 **15. Completion of Probation**

11 Upon written notice by the board or its designee indicating successful completion of
12 probation, respondent's license will be fully restored.

13 **16. Pharmacists Recovery Program (PRP)**

14 By no later than ten (10) days after the effective date of this decision, respondent shall have
15 completed all of the following: contacted the Pharmacists Recovery Program (PRP) for
16 evaluation; enrolled in the PRP; completed, signed, and returned the treatment contract as well as
17 any addendums required or suggested by the PRP; successfully completed registration for any
18 drug or alcohol testing mandated by the treatment contract and/or by enrollment in the PRP; and
19 begun compliance with the drug or alcohol testing protocol(s). Respondent shall successfully
20 participate in the PRP and complete the treatment contract and any addendums required or
21 suggested by the PRP. The costs for PRP participation shall be borne by the respondent.

22 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of
23 the effective date of this decision is no longer considered a self-referral under Business and
24 Professions Code section 4362 (a)(2). Respondent shall successfully participate in and complete
25 his or her current contract and any subsequent addendums with the PRP.

26 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
27 timely paid to the PRP shall constitute a violation of probation. The board will collect unpaid
28 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

Any of the following shall result in the automatic suspension of practice by respondent and shall be considered a violation of probation:

- Failure to contact, complete enrollment, and execute and return the treatment contract with the PRP, including any addendum(s), within ten (10) days of the effective date of the decision as directed by the PRP;
- Failure to complete registration for any drug or alcohol testing mandated by the treatment contract and/or by the PRP, and begin compliance with the testing protocol(s), within ten (10) days of the effective date of the decision as directed by the PRP;
- Failure to comply with testing protocols regarding daily check-in and/or failure to complete a mandated test as directed by the PRP;
- Any report from the PRP of material non-compliance with the terms and conditions of the treatment contract and/or any addendum(s); or
- Termination by the PRP for non-compliance, failure to derive benefit, or as a public risk.

Respondent may not resume the practice of pharmacy until notified by the board in writing.

Probation shall be automatically extended until respondent successfully completes the PRP.

The board will provide notice of any such suspension or extension of probation.

During any suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled substances are maintained. Respondent shall not practice as a Pharmacist nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices or controlled substances.

During any suspension, respondent shall not engage in any activity that requires the professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control

any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

Failure to comply with any requirement or deadline stated by this term shall be considered a violation of probation.

17. Drug and Alcohol Testing

Respondent, at her own expense, shall participate in testing as directed by the board or its designee for the detection of alcohol, controlled substances, and dangerous drugs and/or dangerous devices. Testing protocols may include biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its designee. All testing must be pursuant to an observed testing protocol, unless respondent is informed otherwise in writing by the board or its designee. Respondent may be required to participate in testing for the entire probation period and frequency of testing will be determined by the board or its designee.

By no later than thirty (30) days after the effective date of this decision, respondent shall have completed all of the following tasks: enrolled and registered with an approved drug and alcohol testing vendor; provided that vendor with any documentation, and any information necessary for payment by respondent; commenced testing protocols, including all required contacts with the testing vendor to determine testing date(s); and begun testing. At all times, respondent shall fully cooperate with the testing vendor, and with the board or its designee, with regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to cooperate timely shall be considered a violation of probation.

Respondent may be required to test on any day, including weekends and holidays. Respondent is required to make daily contact with the testing vendor to determine if a test is required, and if a test is required must submit to testing on the same day.

Prior to any vacation or other period of absence from the area where the approved testing vendor provides services, respondent shall seek and receive approval from the board or its designee to use an alternate testing vendor to ensure testing can occur. Upon approval, respondent shall enroll and register with the approved alternate drug testing vendor, provide to

1 that alternate vendor any documentation required by the vendor, including any necessary payment
2 by respondent. During the period of absence of the area, respondent shall commence testing
3 protocols with the alternate vendor, including required daily contacts with the testing vendor to
4 determine if testing is required, and required testing. Any failure to timely seek or receive
5 approval from the board or its designee, or to timely enroll and register with, timely commence
6 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
7 considered a violation of probation.

8 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its
9 designee may require respondent to timely provide documentation from a licensed practitioner
10 authorized to prescribe the detected substance demonstrating that the substance was administered
11 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
12 documentation shall be provided by respondent within ten (10) days of being requested.

13 Any of the following shall be considered a violation of probation and shall result in
14 respondent being immediately suspended from practice as a Pharmacist until notified by the board
15 in writing that she may resume practice: failure to timely complete all of the steps required for
16 enrollment/registration with the drug testing vendor, including making arrangements for payment;
17 failure to timely commence drug testing protocols; failure to contact the drug testing vendor as
18 required to determine testing date(s); failure to test as required; failure to timely supply
19 documentation demonstrating that a detected substance was taken pursuant to a legitimate
20 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
21 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
22 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
23 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
24 controlled substance or dangerous drug absent documentation that the detected substance was
25 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee
26 shall inform respondent of the suspension and inform her to immediately leave work, and shall
27 notify respondent's employer(s) and work site monitor(s) of the suspension.

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1 During any such suspension, respondent shall not enter any pharmacy area or any portion of
2 the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug
3 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or
4 any area where dangerous drugs and/or dangerous devices or controlled substances are
5 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
6 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
7 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
8 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
9 dangerous devices and controlled substances.

10 During any such suspension, respondent shall not engage in any activity that requires the
11 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control
12 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or
13 retailing of dangerous drugs and/or dangerous devices.

14 Failure to comply with any such suspension shall be considered a violation of probation.
15 Failure to comply with any requirement or deadline stated by this term shall be considered a
16 violation of probation.

17 **18. Notification of Departure**

18 Prior to leaving the probationary geographic area designated by the board or its designee for
19 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
20 writing of the dates of departure and return. Failure to comply with this provision shall be
21 considered a violation of probation.

22 **19. Abstain from Drugs and Alcohol**

23 Respondent shall completely abstain from the possession or use of alcohol, controlled
24 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
25 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
26 necessary part of treatment. Respondent shall ensure that she is not in the same physical location
27 as individuals who are using illicit substances even if respondent is not personally ingesting the
28 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled

1 substances, or their associated paraphernalia for which a legitimate prescription has not been
2 issued as a necessary part of treatment, or any physical proximity to persons using illicit
3 substances, shall be considered a violation of probation.

4 **20. Prescription Coordination and Monitoring of Prescription Use**

5 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
6 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
7 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
8 history with use of alcohol and who will coordinate and monitor any prescriptions for respondent
9 for dangerous drugs and/or dangerous devices, controlled substances or mood-altering drugs. The
10 approved practitioner shall be provided with a copy of the board's Accusation and decision. A
11 record of this notification must be provided to the board or its designee upon request. Respondent
12 shall sign a release authorizing the practitioner to communicate with the board or its designee
13 about respondent's treatment(s). The coordinating physician, nurse practitioner, physician
14 assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of probation
15 regarding respondent's compliance with this condition. If any substances considered addictive
16 have been prescribed, the report shall identify a program for the time limited use of any such
17 substances. The board or its designee may require that the single coordinating physician, nurse
18 practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or consult a
19 specialist in addictive medicine. Should respondent, for any reason, cease supervision by the
20 approved practitioner, respondent shall notify the board or its designee immediately and, within
21 thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse
22 practitioner, physician assistant, or psychiatrist of respondent's choice to the board or its designee
23 for its prior approval. Failure to timely submit the selected practitioner or replacement
24 practitioner to the board or its designee for approval, or to ensure the required quarterly reporting
25 thereby, shall be considered a violation of probation.

26 If at any time an approved practitioner determines that respondent is unable to practice
27 safely or independently as a Pharmacist, the practitioner shall notify the board or its designee
28 immediately by telephone and follow up by written letter within three (3) working days. Upon

1 notification from the board or its designee of this determination, respondent shall be
2 automatically suspended and shall not resume practice as a Pharmacist until notified by the board
3 or its designee that practice may be resumed.

4 During any suspension, respondent shall not enter any pharmacy area or any portion of the
5 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
6 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or
7 any area where dangerous drugs and/or dangerous devices or controlled substances are
8 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
9 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
10 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
11 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
12 dangerous devices and controlled substances. Respondent shall not resume practice until notified
13 by the board.

14 During any suspension, respondent shall not engage in any activity that requires the
15 professional judgment and/or licensure as a Pharmacist. Respondent shall not direct or control
16 any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or
17 retailing of dangerous drugs and/or dangerous devices or controlled substances.

18 Failure to comply with any requirement or deadline stated by this term shall be considered a
19 violation of probation.

20 **21. Facilitated Group Recovery and/or Support Meetings**

21 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
22 attendance at a group recovery and/or support meeting that is run by a trained facilitator approved
23 in advance by the board or its designee. The required frequency of group meeting attendance
24 shall be determined by the board or its designee. Respondent shall continue regular attendance as
25 directed at an approved facilitated group meeting until the board or its designee advises the
26 respondent in writing that she may cease regular attendance. Respondent shall provide signed
27 and dated documentation of attendance as required with each quarterly report. Failure to attend as
28 required or to submit documentation of attendance shall be considered a violation of probation.

1 If respondent is required to participate in the PRP, compliance with this term can be
2 demonstrated through that program. Where respondent is enrolled in the PRP, participation as
3 required in a facilitated group meeting approved by the PRP shall be sufficient for satisfaction of
4 this requirement. Any deviation from participation requirements for the PRP-approved group
5 shall be considered a violation of probation.

6 **22. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

7 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
8 attendance at a recognized and established substance abuse recovery support group in California
9 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
10 or its designee. Respondent must attend the number of group meetings per week or month
11 directed by the board or its designee, which shall typically be at least one per week. Respondent
12 shall continue regular attendance and submit signed and dated documentation confirming
13 attendance with each quarterly report for the duration of probation. Failure to attend or submit
14 documentation thereof shall be considered a violation of probation.

15 Where respondent is enrolled in the PRP, participation as required in a recovery group
16 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
17 deviation from participation requirements for the PRP-approved group shall be considered a
18 violation of probation.

19 **23. Work Site Monitor**

20 Within ten (10) days of the effective date of this decision, respondent shall identify a work
21 site monitor, for prior approval by the board or its designee, who shall be responsible for
22 supervising respondent during working hours. Respondent shall be responsible for ensuring that
23 the work site monitor reports in writing to the board monthly or on another schedule as directed
24 by the board or its designee. Should the designated work site monitor suspect at any time during
25 the probationary period that respondent has abused alcohol or drugs, he or she shall notify the
26 board immediately.

27 In the event of suspected abuse, the monitor shall make at least oral notification within one
28 (1) business day of the occurrence, and shall be followed by written notification within two (2)

1 business days of the occurrence. If, for any reason, including change of employment, respondent
2 is no longer able to be monitored by the approved work site monitor, within ten (10) days
3 respondent shall designate a new work site monitor for approval by the board or its designee.
4 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure
5 monthly reports are submitted to the board by the monitor, shall be considered a violation of
6 probation.

7 Within thirty (30) days of being approved by the board or its designee, the work site
8 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of
9 respondent's disciplinary order and agrees to monitor respondent. The work site monitor shall at
10 least:

- 11 1) Have regular face-to-face contact with respondent in the work environment, at least
12 once per week or with greater frequency if required by the board or its designee;
- 13 2) Interview other staff in the office regarding respondent's behavior, if applicable; and
- 14 3) Review respondent's work attendance.

15 The written reports submitted to the board or its designee by the work site monitor shall
16 include at least the following information: respondent's name and license number; the monitor's
17 name, license number (if applicable) and work site location; the date(s) the monitor had face-to-
18 face contact with respondent; the staff interviewed, if applicable; an attendance report; notes on
19 any changes in respondent's behavior or personal habits; notes on any indicators that may lead to
20 substance abuse; and the work site monitor's signature.

21 Respondent shall complete the required consent forms and sign an agreement with the work
22 site monitor and the board to allow the board to communicate with the work site monitor.

23 It is a condition of respondent's enrollment in the Pharmacists Recovery Program (PRP)
24 that she is required to have a work site monitor approved by the PRP who shall be responsible for
25 supervising respondent during working hours. Respondent shall be responsible for ensuring that
26 the work site monitor reports in writing to the PRP monthly or on another schedule as directed by
27 the PRP. Should the designated work site monitor suspect at any time during the probationary
28 period that respondent has abused alcohol or drugs, he or she shall notify the PRP immediately.

1 The initial notification shall be made orally within one (1) business day of the occurrence, which
2 shall be followed by written notification within two (2) business days of the occurrence. If, for
3 any reason, including change of employment, respondent is not longer able to be monitored by
4 the approved work site monitor, within ten (10) days of commencing new employment for prior
5 approval by the PRP. Failure to identify an acceptable initial or replacement work site monitor, or
6 to ensure monthly reports are submitted to the PRP by the work site monitor, shall be considered
7 a violation of probation.

8 Within thirty (30) days of being approved by the PRP, the work site monitor shall sign an
9 affirmation that he or she has reviewed the terms and conditions of respondent's disciplinary
10 order and agrees to monitor respondent. The work site monitor shall at least:

- 11 1) Have regular face-to-face contact with respondent in the work environment, at least
12 once per week or with greater frequency if required by the board or its designee;
- 13 2) Interview other staff in the office regarding respondent's behavior, if applicable; and
- 14 3) Review respondent's work attendance.

15 The written reports submitted to the PRP by the work site monitor shall include at least the
16 following information: respondent's name and license number; the monitor's name, license
17 number (if applicable) and work site location; the date(s) the monitor had face-to-face contact
18 with respondent; the staff interviewed, if applicable; an attendance report; notes on any changes
19 in respondent's behavior or personal habits; notes on any indicators that may lead to substance
20 abuse; and the work site monitor's signature.

21 Respondent shall complete the required consent forms and sign an agreement with the work
22 site monitor and the board to allow the board to communicate with the work site monitor.

23 **24. No Ownership or Management of Licensed Premises**

24 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
25 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
26 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
27 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
28 days following the effective date of this decision and shall immediately thereafter provide written

1 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Lucy S. McAllister, Esq. I understand the stipulation and the effect
6 it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
7 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
8 of the Board of Pharmacy.

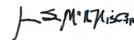
9
10 DATED: 6/14/2022



11 JULIE ANNE SEDLACEK
12 Respondent

13 I have read and fully discussed with Respondent Julie Anne Sedlacek the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
15 I approve its form and content.

16 DATED: 6/15/2022



17 LUCY S. MCALLISTER, ESQ.
18 Attorney for Respondent

19 **ENDORSEMENT**

20 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
21 submitted for consideration by the Board of Pharmacy.

22 DATED: _____

23 Respectfully submitted,

24 ROB BONTA
25 Attorney General of California
26 KAREN R. DENVIR
27 Supervising Deputy Attorney General

28 STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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1 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Lucy S. McAllister, Esq. I understand the stipulation and the effect
6 it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
7 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
8 of the Board of Pharmacy.

9
10 DATED: _____

JULIE ANNE SEDLACEK
Respondent

12 I have read and fully discussed with Respondent Julie Anne Sedlacek the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
14 I approve its form and content.

15 DATED: _____

LUCY S. MCALLISTER, ESQ.
Attorney for Respondent

17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board of Pharmacy.

20 DATED: 6/15/22 _____

Respectfully submitted,

22 ROB BONTA
Attorney General of California
23 KAREN R. DENVIR
Supervising Deputy Attorney General

24 

25 STEPHANIE ALAMO-LATIF
26 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7155

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
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6 Telephone: (916) 210-6112
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7155

14 **JULIE ANNE SEDLACEK**
15 **4004 NE Waterview Ter.**
Bentonville, AR 72712

ACCUSATION

16 **Pharmacist License No. RPH 63612**

17 Respondent.

18
19
20 **PARTIES**

21 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

23 2. On or about January 20, 2010, the Board issued Pharmacist License Number RPH
24 63612 to Julie Anne Sedlacek (Respondent). The Pharmacist License was in full force and effect
25 at all times relevant to the charges brought herein and will expire on February 28, 2023, unless
26 renewed.

27 \\\

28 \\\

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Code section 4300 states, in pertinent part, that every license issued may be suspended or revoked.

5. Code section 4300.1 states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

STATUTORY PROVISIONS

6. Code section 490 states, in pertinent part:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

...

7. Code section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

...

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

8. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

...

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

...

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

COST RECOVERY

10. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of Crimes)**

5 11. Respondent is subject to disciplinary action under Code sections 490, subdivision (a),
6 and 4301, subdivision (l), in that she was convicted of the following crimes that are substantially
7 related to the qualifications, functions and duties of a licensed pharmacist:

8 a. On about January 4, 2019, in the matter of the *State of Arkansas v. Julie Anne*
9 *Sedlacek* (State of Arkansas, Bentonville District Court, Case No. TR2019-10), Respondent was
10 convicted on her plea of guilty of violating Arkansas Code Title 5, section 05-65-103(a)(1)
11 (driving while intoxicated), a misdemeanor. The circumstances are as follows: On or about
12 December 29, 2018, Respondent drove a vehicle while intoxicated and under the influence of
13 alcohol.

14 b. On about December 2, 2020, in the matter of the *State of Arkansas v. Julie Anne*
15 *Sedlacek* (State of Arkansas, Bentonville District Court, Case No. TR2020-1546), Respondent
16 was convicted on her plea of guilty of violating Arkansas Code Title 5, section 05-65-103(a)(1)
17 (driving while intoxicated), a misdemeanor. The circumstances are as follows: On or about
18 August 21, 2020, Respondent drove a vehicle while intoxicated and under the influence of
19 alcohol.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Dangerous Use of Alcohol)**

22 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
23 in that on or about December 28, 2018, and August 21, 2020, Respondent used alcohol in a
24 manner dangerous or injurious to herself or others when she drove a vehicle while intoxicated and
25 under the influence of alcohol. The facts and circumstances are more fully set forth above in
26 paragraph 11 and its subparts.

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THIRD CAUSE FOR DISCIPLINE

(Multiple Misdemeanor Convictions)

13. Respondent is subject to disciplinary action under Code section 4301, subdivision (k), in that on or about January 4, 2019, and December 2, 2020, she was convicted of more than one misdemeanor involving the use, consumption, and self-administration of alcohol. The facts and circumstances are more fully set forth above in paragraph 11 and its subparts.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 63612, issued to Julie Anne Sedlacek;

2. Ordering Julie Anne Sedlacek to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/17/2021 _____

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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